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Human rights and mass exoduses

Report of the Secretary-General

I. Introduction

1. At its fiftieth session, the General Assembly adopted resolution 50/182 of 22 December 1995, entitled "Human rights and mass exoduses", in which it, *inter alia*, acknowledged that mass exoduses of populations were caused by multiple and complex factors, such as human rights violations, political, ethnic and economic conflicts, famine, insecurity, violence, poverty and environmental degradation.

2. In resolution 50/182, the General Assembly noted that the Secretary-General, in his report entitled "An Agenda for Peace" (A/47/277-S/24111), had identified the protection of human rights and the promotion of economic well-being as important elements of peace, security and development, and reiterated that development and rehabilitation assistance was essential in addressing some of the causes of mass exoduses and also in the context of the development of prevention strategies.

3. The Assembly recalled the need for a comprehensive approach by the international community to address root causes and effects of movements of refugees and other displaced persons and the strengthening of emergency and response mechanisms; recognized that the human rights machinery of the United Nations had important capabilities to address human rights violations that caused movements of refugees and displaced persons; recognized also that humanitarian agencies made an important contribution to the achievement of human rights; and welcomed the continuing efforts of the United Nations High Commissioner for Refugees to meet the protection and assistance needs of refugees and other persons of concern to her Office worldwide.

4. The Assembly recalled its endorsement, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying those rights and freedoms to individuals in their population because of nationality, ethnicity, race, religion or language; strongly deplored ethnic and other forms of intolerance as one of the major causes of forced migratory movements, and urged States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities; and encouraged States that had not already done so to consider acceding to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and to other relevant refugee instruments, as applicable, and relevant international human rights instruments.

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5. The Assembly invited the Secretary-General to attach high priority and to make available the necessary resources within the regular budget of the United Nations for the consolidation and strengthening of emergency preparedness and response mechanisms, including early-warning activities in the humanitarian area, for the purpose of ensuring, *inter alia*, that effective action was taken to identify all multiple and complex factors, including human rights violations, that contributed to mass outflows of persons.

6. Finally, the Assembly requested the Secretary-General to prepare and submit to it at its fifty-second session a report containing detailed information on the programmatic, institutional, administrative, financial and managerial efforts instituted to enhance the capacity of the United Nations to avert new flows of refugees and to tackle the root causes of such outflows. The present report is submitted pursuant to that request.

II. Action by the Secretary-General

7. The factors generating mass exoduses range from immediately triggering events to more deep-rooted problems. Depending on their direct impact on such outflows, the causes may be grouped in different categories. Conflict or large-scale violations of human rights are frequently among the more direct causes of transboundary flight. The economic, social and political factors contributing to such situations can themselves be considered causes of mass exoduses. For instance, the occurrence of drought may increase poverty and competition for scarce resources, with the potential of generating antagonism between different groups of the population. Unless a peaceful resolution of divergent interests is found, such tensions may escalate into open conflict, thus leading to outflows of refugees and displaced persons.

8. In a similar manner, activities conducive to averting outflows of refugees and displaced persons range from addressing factors immediately triggering mass exoduses to the more contextual problems underlying them. Often, such activities are not specifically aimed at preventing the occurrence of exodus, but nevertheless have a positive effect on the living conditions of the populations concerned and thus reduce the risk of mass displacement.

9. One category covers the wide range of activities that promote general welfare and social stability, including efforts to promote and consolidate peace, democracy and human rights, economic and social development and the protection of the environment. A second category includes efforts that relate to potential crisis situations, where the aim is to facilitate a peaceful resolution or management of emerging conflicts before they escalate into full-fledged emergencies and ensuing refugee outflows. In such cases, the challenge is to be able to detect dangerous situations at the earliest stage possible and to mobilize an early and effective response. Relevant measures include developing reliable early warning systems, undertaking preventive diplomacy, involving dispute resolution mechanisms and undertaking confidence-building measures. In a third category belong those activities which are carried out once a crisis situation has arisen and which aim to contain the crisis, facilitate its peaceful resolution and mitigate its negative effects on the population. Among those efforts are peacekeeping operations, peace mediation, humanitarian assistance and activities that aim at protecting civilians from abuses. Such efforts may improve the living conditions of the affected persons and as a consequence obviate for them the need to seek refuge abroad in order to enjoy minimum conditions for subsistence and safety.

10. It must be emphasized that a number of the above-mentioned activities cut across categories, in the sense that they are relevant to all of the situations described. For instance, the promotion and protection of human rights is an important means to prevent, mitigate and resolve problems of mass exodus, although the practical means employed will vary with the circumstances. Further, the tackling of root causes not only serves a preventive purpose, but is also fundamental to achieving durable solutions to outflows of refugees and displaced persons.

11. The United Nations has been actively involved in all the above-mentioned areas and in most of them it is undertaking ongoing efforts to improve its performance, thus enhancing its capacity to avert new flows of refugees and to tackle the root causes of such outflows. The Secretary-General's report of 14 July 1997 entitled "Renewing the United Nations: a programme for reform" (A/51/950), contains a review of the core activities of the United Nations, namely, peace and security, economic and social affairs, development cooperation, humanitarian affairs and human rights, each of them relevant to addressing the root causes of mass exoduses. The report contains a number of reform measures designed to improve the coherence and comprehensiveness of the United Nations overall activities. Economic and Social Council resolution 1995/56, entitled "Strengthening of the coordination of emergency humanitarian assistance of the United Nations", has also stimulated major efforts among United Nations agencies, programmes and funds to review and strengthen their individual and collective capacity to improve the overall response to emergencies. The proposals and implementing

measures emanating from those initiatives are still under review among Governments and within the United Nations system, and subject to further refinement among the relevant actors.

12. Given the wide range of reform measures being instituted and considered within the United Nations system, it goes beyond the scope of the present report to provide a detailed description of all the domains in which the Organization is taking steps to enhance its capacity. In light of the above, the report provides an overview of steps taken to enhance humanitarian response to emergencies and highlights the efforts made to integrate human rights perspectives into those activities. While it thus concentrates on the more immediate context of refugee outflows, this in no way implies that the other, more deeply rooted causes identified by the General Assembly have lost any of their significance. Based on the general recognition of the multiple and complex problems facing those affected by displacement and the corresponding need to find multifaceted, comprehensive approaches, the report seeks rather to demonstrate the usefulness of including the respect for human rights in efforts to prevent and resolve problems of mass displacement. The term "prevention", it should be noted, is to be interpreted not as preventing victims of persecution from leaving their country, but as averting conditions that threaten the subsistence, security, dignity and well-being of the civilian population and give rise to a need to flee.

A. Efforts to enhance preventive capacities

13. The Office of the United Nations High Commissioner for Refugees (UNHCR) the United Nations Children's Fund (UNICEF), the Food and Agriculture Organization of the United Nations (FAO) and the World Food Programme (WFP) and other United Nations organizations have over the past several years developed early warning systems within their respective fields of expertise to improve their response capacity. As noted in the previous report to the General Assembly (A/50/566), the Department of Humanitarian Affairs in 1994-1995 developed a system-wide Humanitarian Early Warning System (HEWS), which compiles and analyses information from a variety of sources, including from the various sectoral early warning systems in existence. The HEWS database contains quantitative and qualitative information on a number of countries, with more intensive analysis conducted on particularly vulnerable areas, in order to identify potential crises with humanitarian implications. This in-depth review in turn provides a good basis for identifying specific problem areas and thus facilitates the formulation of recommendations for preventive action. The United Nations High Commissioner for Human Rights has contributed to a selected number of human rights indicators contained in the database.

14. In the context of mass displacement, experience has demonstrated that internal displacement and cross-border movements often have the same causes. Addressing situations of internal displacement can in such cases contribute to mitigating the causes of mass exoduses. Systematic and specific monitoring of internal displacement worldwide would thus facilitate the United Nations system's preventive activities and support contingency planning efforts to address both phenomena. As part of his responsibility to address protection and assistance needs of internally displaced persons, the Emergency Relief Coordinator will, in cooperation with the Representative of the Secretary-General on internally displaced persons, contribute to the establishment of a global database on internal displacement. The database should provide information on the numbers of affected persons in different countries, the main problems they experience, the extent to which their needs are being met and the actors engaged in providing them with assistance and protection.

15. An early response to upcoming crises not only requires the provision of timely and reliable information, but also channels of communication to the decision-making levels. The Framework for Coordination established in 1994-1995 between the Departments of Humanitarian Affairs, Political Affairs and Peacekeeping Operations represents a mechanism of a more operational nature. It is designed to improve planning and to tailor the overall response to complex situations, *inter alia*, by allocating responsibilities in accordance with the main features of the crisis to be addressed. Since the beginning of 1996, a small, director-level oversight group has met weekly to review early warning information, with the objective of ensuring that the Departments consider and act in a timely manner on developments that may lead to crisis. The Executive Committees on Peace and Security and Humanitarian Affairs will examine ways of further enhancing the cooperation between relevant entities, notably as regards information gathering and analysis.

16. United Nations treaty bodies, special rapporteurs, representatives and independent experts have regularly provided valuable information on specific human rights problems having the potential of generating mass exoduses or preventing their resolution, together with recommendations for corrective measures. By regular consultations with the chairmen of the treaty bodies and the human rights mechanisms established by the Commission on Human Rights, the United Nations High Commissioner

for Human Rights has been kept informed of relevant developments.

17. Naturally, the primary responsibility for implementing the recommendations rests with the Governments concerned. Nevertheless, the international community has important capacities to assist Governments in meeting their obligations. The recent decision to extend a standing invitation to the United Nations High Commissioner for Human Rights to the meetings of the Inter-Agency Standing Committee should help ensure that the human rights perspective is explored in the deliberations of the group and integrated into the overall approach of humanitarian operations. The participation of the High Commissioner could also stimulate the establishment of more indirect forms of cooperation in situations where the Office has no field presence, through the sharing of human rights expertise with operational actors.

18. The role of the Representative of the Secretary-General on internally displaced persons should also be highlighted. He presented to the Commission on Human Rights at its 1996 session a compilation and analysis of legal norms pertaining to the protection and assistance needs of internally displaced persons.[1] The study examined relevant provisions of human rights, humanitarian and refugee law, so as to determine the extent to which existing law provided adequate coverage for their needs. Based on the compilation, UNHCR has produced a reference manual for its staff, so as to enhance their understanding of standards relevant to their protection and assistance activities in countries of origin. On the basis of the findings of the legal compilation, the Commission on Human Rights encouraged the Representative to develop a comprehensive framework for the protection of internally displaced persons. The Representative is accordingly in the process of completing a set of guiding principles, which will seek to address displacement in all its phases, notably by spelling out standards that provide protection from arbitrary displacement. The standing invitation extended to the Representative to participate in the meeting of the Inter-agency Standing Committee and its subsidiary bodies should, *inter alia*, promote a sharpened focus on strategies conducive to averting displacement.

19. In the context of regional approaches, the Commonwealth of Independent States (CIS) Conference convened at Geneva on 30 and 31 May 1996 under the auspices of UNHCR, the International Organization for Migration (IOM) and the Organization for Security and Cooperation in Europe (OSCE), deserves mention. The Conference adopted a programme of action, which outlines, in a broad and comprehensive framework, a number of practical measures designed to enable the CIS countries to cope with and prevent population displacement, as well as to manage and regulate other types of migratory movements taking place in the region. The Conference not only included globally accepted definitions of refugees and internally displaced persons, but also identified, in an innovative way, categories of persons that reflect the particularities of migratory movements in the region.

20. The programme of action contains human rights provisions and measures to protect vulnerable groups such as national minorities. It highlights the importance of respect for human rights and fundamental freedoms for durable solutions to the problems of population movements, as well as for democracy, the rule of law and social stability. The document further outlines the development of appropriate national policies, which are to be implemented through the adoption of legislation and the establishment of administrative structures. It also elaborates on the formulation of appropriate programmes and includes sections on emergency assistance, repatriation, return, resettlement and integration. As regards prevention, the CIS countries are encouraged to ratify and implement relevant international instruments, make use of the existing procedures and mechanisms established by international bodies and establish national institutions responsible for monitoring and promoting the protection of human rights.

21. As part of the follow-up to the Conference, UNHCR and IOM formulated a joint strategy based on national priorities. However, in spite of the repeated emphasis in the programme of action on the need for international cooperation, the practical results have so far been limited, owing, *inter alia*, to insufficient financial support. Nonetheless, the framework developed in the conference process should serve as a good model for the design of other regional initiatives.

B. Steps taken to improve emergency response

22. In order to address complex emergencies in a more effective manner, an important part of the reform processes mentioned above have concentrated on promoting a comprehensive approach while at the same time ensuring a coherent and integrated response from the different entities of the United Nations. Attention has been paid to harmonizing political, military and humanitarian considerations, *inter alia*, by ensuring that humanitarian concerns are adequately presented to the relevant decision-making authorities.

23. Within the field of emergency assistance, efforts have been made to enhance allocation of responsibilities and to

ensure a greater predictability of response. Since the action that is needed frequently goes beyond the competence and mandate of individual agencies, a well-functioning system of cooperation and coordination becomes pivotal to an effective response.

24. As regards coordination at the bilateral level, UNHCR has developed a series of memoranda of understanding with key operational partners, both at the global and country-specific levels. Depending on the capacity of partner organizations and the level of cooperation established, the memoranda have different degrees of specificity, operationality and scope. The most recent reflect a trend away from mere expressions of good intent to the establishment of clear frameworks for timely, effective and well-coordinated cooperation.

25. With respect to multilateral coordination at the headquarters level, there is a commitment to increase the capacity of the Inter-agency Standing Committee to act as the primary mechanism for inter-agency cooperation, with the task of formulating policy, providing strategic guidance for operational activities, and selecting coordination arrangements in the field. The role of the Emergency Relief Coordinator is also to be strengthened, so as to ensure, *inter alia*, that all humanitarian issues are addressed. To better service the Emergency Relief Coordinator and the Inter-agency Standing Committee, the operational activities that have been performed by the Department of Humanitarian Affairs are to be transferred to other entities of the system. The Executive Committee on Humanitarian Affairs should also help develop a coherent overall framework. Its tasks include harmonizing work programmes, formulating recommendations to intergovernmental bodies and identifying humanitarian issues that could seem to warrant the involvement of the Department of Peacekeeping Operations and the Department of Political Affairs.

26. Steps have also been taken to strengthen coordination in the field. In most cases, the resident coordinator will assume the function of humanitarian coordinator, thus also enhancing the inclusion of development perspectives into humanitarian assistance. In some cases, a lead agency may be designated to assume responsibility for overall or sectoral coordination. In situations where an emergency affects several countries, a regional humanitarian coordinator may also be appointed. An important challenge in such cases is to develop comprehensive regional approaches, while at the same time safeguarding the right of refugees to seek asylum. In situations where political mediation, peacekeeping efforts and humanitarian relief are carried out simultaneously, the special representative of the Secretary-General helps secure a cohesive overall approach by ensuring that activities are mutually reinforcing and that the respective tasks to be performed are clearly defined.

27. Unity of action beyond the scope of the United Nations is also promoted by advances in the electronic transmission of data, which greatly enhances the exchange and sharing of information. The ReliefWeb system, developed by the Department of Humanitarian Affairs, provides easily accessible and updated information on specific emergency situations. On that basis, outside organizations can take an informed decision in accordance with their fields of expertise and mandates, even without being part of a formal coordinating mechanism.

28. In order to adapt the response more closely to local needs, an increased authority in defining priorities for action has been delegated to the field level. The inter-agency consolidated appeals will reflect to a greater extent all operational activities performed by humanitarian agencies in specific situations and activities included in appeals will, pursuant to joint consultations, be listed in accordance with the priorities given. The use of consolidated appeals will thus provide an overall strategy for United Nations activities from the outset of operations.

29. Given the fundamental importance of ensuring adequate conditions of security in addressing root causes of displacement and in promoting a durable return, UNHCR and UNICEF have in recent years expanded their protection activities in countries of origin. Through an extensive field presence, UNHCR has often been able to stimulate and support national efforts to provide protection, *inter alia*, by interceding on behalf of returning populations and other vulnerable groups in the areas of return. However, the mandates of those organizations sometimes prevent them from assuming responsibility for broader segments of the population. In such cases, the Office of the United Nations High Commissioner for Human Rights has been increasingly called upon to establish a field presence in countries facing human rights problems. The deployment of its staff, who monitor, report and verify allegations of human rights violations and provide advisory services and technical cooperation, has had a preventive and stabilizing effect in situations of disturbances and tensions. The increased involvement of the High Commissioner's Office should be facilitated by the decision to include its planned activities in the consolidated appeal process.

C. Measures to promote durable solutions

30. An effective human rights regime, secured by institutions that support the rule of law, including an independent judicial system accessible to all and an

accountable public administration, is also of paramount importance for the creation of a stable society and thus conducive to consolidating peace and preventing the recurrence of mass exodus. The provision of advisory services and technical cooperation, both by the Office of the High Commissioner and other institutions, has over recent years increased considerably. Such activities aim at strengthening national capacities to promote and protect human rights. The judicial system, law enforcement officials and civil administrations are provided with training, material support and recommendations for the development of appropriate institutions and relevant legislation. In addition, local non-governmental organizations are supported as a means to enhancing civil society's capacity to act as an advocate for potential victims of human rights violations. To enhance overall performance in that field, the High Commissioner has been given the task of reviewing and evaluating the programmes implemented by other United Nations entities.

31. Unsustainable economic conditions in areas of return can be a serious obstacle to return, reintegration and reconciliation. In addition to providing immediate life-saving assistance, a number of efforts have therefore been made to lay the foundations for a durable recovery during the emergency phase itself. In order to facilitate a smooth transition to longer-term development, emphasis has been placed on starting rehabilitation and reconstruction activities as soon as feasible. Increased emphasis has also been put on providing assistance in a manner that seeks to strengthen local capacities. To that end, efforts are made to involve affected communities and national authorities at the earliest stage possible in the planning and delivery of relief assistance. As regards rehabilitation of infrastructure, housing and public services in areas of return, the involvement of government authorities and local partners also helps ensure that resources are channelled to priority areas and that projects can be supported on a sustained basis.

32. A number of other initiatives contribute to addressing root causes of displacement. For instance, increased cooperation has been established with the Bretton Woods institutions, so as to draw on their capacities in support of macroeconomic reforms and the creation of an environment in which economic progress and social development can be sustained. In the aftermath of intra-State conflict, various measures are taken to promote reconciliation, such as establishing or encouraging inter-ethnic participation in mass sports and cultural events, small-scale economic enterprises and youth clubs. Mass media and educational material in schools are also utilized to promote a culture of tolerance.

33. Given the serious, multiple and complex challenges existing in post-conflict situations, a comprehensive and coordinated approach is similarly needed in order to consolidate peace and to facilitate the transition to long-term economic and social development. To that end, close collaboration with among all the relevant United Nations entities is required. While concrete problems always need to be addressed by designing a situation-specific response, there is also a need to improve the quality of decision-making by drawing on experience gained in other situations. With this in view, the Executive Committee on Peace and Security, in cooperation with other entities of the system, will be responsible for the design and implementation of peace-building initiatives, including definition of objectives, criteria and operational guidelines.

III. Conclusion

34. The United Nations has taken a number of steps to enhance its capacity to avert new flows of refugees and to tackle the root causes of such outflows. The progress made is not reflected primarily in terms of undertaking activities of a new and different nature; rather the efforts aim at enhancing the speed, comprehensiveness, coherence and flexibility of overall and sectoral responses, adapted to the specifics of each situation and to changing circumstances.

35. Steps have been taken to include in a more systematic manner all United Nations entities that possess expertise or the capacity to contribute to a comprehensive response. This is reflected, *inter alia*, in the participation of the High Commissioner for Human Rights in the meetings of the Inter-Agency Standing Committee and the inclusion of her Office's operational activities in the consolidated appeals. At a more general level, the human rights programme is to be more fully incorporated into the broad range of United Nations activities. To that end, the High Commissioner is a participant in the Executive Committees on Peace and Security, Economic and Social Affairs, Development Operations and Humanitarian Affairs. Efforts have also been made to ensure a smooth transition of activities, so that, for instance, emergency and development assistance are seen and treated as parallel rather than sequential efforts.

36. At the headquarters level, specific entities have been made responsible for ensuring that a response is in fact mobilized and for facilitating decision-making in the field by formulating appropriate policies and providing general guidance to operational actors. Increased authority and responsibility has been delegated to the field level to formulate strategies and set priorities for action. The

coherence of policies and setting of operational priorities has been enhanced by establishing mechanisms of consultations and ensuring that an overall strategy is formulated at the earliest stage possible. Where activities overlap or pull in opposite directions and consensus is not reached among different actors, coherence has been maintained by empowering decision-making authorities at different levels to harmonize conflicting views and to set priorities.

Notes

[1] E/CN.4/1996/52/Add.2.